

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

PASCAL ABIDOR, NATIONAL
ASSOCIATION OF CRIMINAL DEFENSE
LAWYERS, NATIONAL PRESS
PHOTOGRAPHERS ASSOCIATION,

Plaintiffs,

– against –

JEH JOHNSON, R. GIL KERLIKOWSKA,
SARAH SALDANA,

Defendants.

ORDER

10-CV-4059 (ERK)

KORMAN, J.:

I am ready to decide the question of whether I should unseal redacted versions of the records in this case to the extent that they relate to the purpose of the challenged forensic search. I retain the jurisdiction and authority to do so, despite the parties' apparent attempt to moot the matter. *See Gambale v. Deutsche Bank AG*, 377 F.3d 133, 141 (2d Cir. 2004); *Eagle Star Ins. Co. Ltd. v. Arrowood Indem. Co.*, No. 13-CV-3410(HB), 2013 WL 5322573 (S.D.N.Y. Sept. 23, 2013). Before I issue an opinion, however, I invite the parties to address any interests that they believe would be served or harmed by unsealing a small portion of the records at issue here, and whether any harm caused by the unsealing is outweighed by the public interest in accessing judicial documents relating to matters of public concern.

The parties need not submit any briefing relating to the potential harm caused by revealing data that bears on law enforcement operations, methods, techniques, and procedures, all of which will remain redacted. The parties also need not address any harm that would be caused by the release of materials revealing "intimate details about [Abidor's] life, such as his personal photos, a transcript of a chat with his girlfriend, copies of email correspondence, class

notes, journal articles, his tax returns, his graduate school transcript, and his resume,” Compl. ¶ 51, ECF No. 1, at 12, as I intend to keep such information redacted under any circumstances.

Specifically, I am considering releasing only the following descriptions from the log of the forensic search:

If any party would prefer to rest on their submissions to this point, they may submit a letter stating as much. I would appreciate a response within 30 days of the date of this Order.

SO ORDERED.

Brooklyn, New York
September 2, 2015

Edward R. Korman
Edward R. Korman
Senior United States District Judge